

**Planning/Zoning, Land Design & Development Meeting**  
**Tuesday, March 18, 2008**  
**2:10 P.M.**  
**Third Floor, City Hall**

**Present:**                      **Chairman:**      **CM Owen**  
                                 **Vice Chair:**      **CM Stuckel**  
                                 **Members:**      **CM Heiner, CM Flood, CM Raque Adams, and CM Hamilton**

**Special Items for Discussion:** NONE

## AGENDA

**Status:** In-Committee  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

**Discussion:** Dawn Warrick, DPDS, spoke to the item. This item was on the Planning Commission's Consent Agenda dated March 6, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Downard's District. A power point presentation was given. The following were items of discussion and concern:

- Right-of-way is no longer needed
- Respective agencies have no objections
- 100% of the property owners are in agreement

This item was sent to the **Consent Calendar**.

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood  
Against: (None)  
Abstain: (None)  
Absent: (None)

O-47-03-08 AN ORDINANCE CLOSING SECTIONS OF THREE (3) SEPARATE RIGHTS-OF-WAY: (1) DAVIES AVENUE FROM ITS SOUTHEASTERN INTERSECTION WITH 6TH STREET RUNNING 150 FEET SOUTHEASTERLY TO ITS STUB INTO THE TRANE U.S. PROPERTY, CONTAINING 5333 SQUARE FEET; (2) MIX AVENUE FROM ITS SOUTHEASTERN INTERSECTION WITH 6TH STREET RUNNING 150 FEET SOUTHEASTERLY TO ITS STUB INTO THE TRANE U.S. PROPERTY, CONTAINING 7709 SQUARE FEET; (3) AN UNNAMED ALLEY, LOCATED BETWEEN MIX AVENUE AND DAVIES AVENUE, FROM ITS SOUTHEASTERN INTERSECTION WITH 6TH STREET RUNNING 150 FEET SOUTHEASTERLY TO ITS STUB INTO THE TRANE U.S. PROPERTY, 2277 SQUARE FEET, WITH ALL THREE RIGHTS-OF-WAY

[CONTAINING A CUMULATIVE TOTAL OF 15319 SQUARE FEET AND BEING IN LOUISVILLE METRO \(CASE NO. 01-04-06\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Julie Raque Adams.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. This item was on the Planning Commission's Consent Agenda dated March 6, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Unseld's District. A power point presentation was given. The following were items of discussion and concern:

- Requests from MSD and Water Co. for easements for existing utilities were granted
- Proposed street names are to be provided to Metro Safe in advance of any proposed construction
- 100% adjoining property owners are in agreement

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)

Absent: (None)

[O-46-03-08 AN ORDINANCE CLOSING GLOBAL DISTRIBUTION WAY, A 70-FOOT WIDE PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT, FROM ITS INTERSECTION WITH THE NORTH SIDE OF BURNT PINE WAY, AND RUNNING NORTH 1815.31 FEET, CONTAINING 2.99 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 9873\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Julie Raque Adams.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. This item was on the Planning Commission's Consent Agenda dated March 6, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Shanklin's District. A power point presentation was given. The following were items of discussion and concern:

- Was originally created to serve as access which is now no longer needed
- 100% property owners are in agreement

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)

Absent: (None)

[O-37-02-08 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO R 5A MULTI-FAMILY RESIDENTIAL, ON PROPERTY LOCATED AT 14319 OLD HENRY ROAD, CONTAINING A TOTAL OF 5.03 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 9102\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Hal Heiner and seconded by Cheri Bryant Hamilton.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on February 7, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Heiner's District. A power point presentation was given. The following were items of discussion and concern:

- 6 attached dwelling units
- Density is 1.2 units per acre
- Consolidate and join this tract with the one to the South
- Stream Buffering
- Stabilization of the bank of the stream
  - Tree plantings
  - Mulch berms
- Woodland protection areas
- Dedication of right-of-way
- Access

CM Heiner, District representative, is in favor of the request.

This item was sent to **Old Business**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)

Absent: (None)

[O-39-02-08 AN ORDINANCE CHANGING THE ZONING FROM R-7 MULTI-FAMILY RESIDENTIAL AND C 2 COMMERCIAL TO C-1 COMMERCIAL ON TRACT 1, CONTAINING 2.02 ACRES, AND FROM R-7 MULTI-FAMILY RESIDENTIAL TO OR-1 OFFICE RESIDENTIAL ON TRACT 2, CONTAINING 0.91 ACRES, ON PROPERTY LOCATED AT 7920 WOODCREST DRIVE AND 4400 OUTER LOOP, CONTAINING A TOTAL OF 2.93 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 8581\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Madonna Flood.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on February 7, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Flood's District. A power point presentation was given. The following were items of discussion and concern:

- Tract 1 Apartment buildings and commercial building to be removed
- Tract 2 Apartment building to remain
- Access points to be modified
- Stub to be provided
- Right-of-way dedication
- Buffering

CM Flood, District representative, is in favor of this request.

This item was sent to **Old Business**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood  
Against: (None)  
Abstain: (None)  
Absent: (None)

[O-50-03-08 AN ORDINANCE AMENDING CHAPTER 4, PART 2 OF THE LAND DEVELOPMENT CODE TO CREATE A CONDITIONAL USE PERMIT FOR OUTDOOR ALCOHOL SALES AND CONSUMPTION FOR RESTAURANTS LOCATED WITHIN THE C-1 COMMERCIAL ZONING DISTRICT \(CASE NO. 10414\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:**

Tom Owen

Jim King

Motion to Approve was made by Glen Stuckel and seconded by Madonna Flood.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on February 7, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. The following were items of discussion and concern:

- Allow outdoor seating, dining, and drinking with conditional use permits
- Conditional use permits can be revoked
- Conditional use permits follow the business not the property
- Conditional uses are treated similar to binding elements

This item was sent to **Old Business** so there could be further discussion if needed.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood,  
Against: (None)  
Abstain: (None)  
Absent: (None)

[O-28-02-08 AN ORDINANCE CHANGING THE ZONING FROM R-1 SINGLE-FAMILY RESIDENTIAL TO R 6 MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 600 ENGLISH STATION WAY, CONTAINING A TOTAL OF 42.98 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 8940\).](#)

**Status:** In Committee - Held

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Julie Raque Adams and seconded by Glen Stuckel.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on January 17, 2008. One spoke in opposition and three spoke as interested parties. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Heiner's District. A power point presentation was given. The following were items of discussion and concern:

- Current use is a golf course
- Proposed use is 672 Units divided into 450 apartments and 222 Condominiums
- Buildings are three stories in height
- Density is 17 dwelling units per acre
- Traffic
- Water pressure and service
- Access
- Infrastructure and strain on utilities
- Improvements to Gene Snyder

- Setbacks
- Developer will phase the project
- Storm water facilities
- Access to trails
- Loss of green space
- Fencing
- Sidewalks
- Wet basin
- Buffering and screening
- Landscaping

CM Heiner, District representative, voiced his concerns regarding the following:

- Transmission towers
- Gene Snyder improvements
- Density

Handouts were given to the Committee Members (attached).

Jonathan Baker, Assistant County Attorney stated there was a meeting with interested parties regarding proposed binding elements. Mr. Baker gave a review of the meeting. (attached).

CM Heiner spoke regarding proposed binding elements 19 - Road Improvements, 21 - Water Pressure, 22 - Affiliated project will have 157 Unit Reduction, 23 - Construction of fence along Christian Academy of Louisville.

Bill Bardenwerper, Attorney for the Applicant, stated they are in agreement with the amendment to binding element 19 and the addition of binding elements 21, 22, and 23.

There was further discussion regarding traffic and traffic signals.

Motion to Amend as follows was made by Hal Heiner and seconded by Glen Stuckel.

- 19. Construction approval by Metro Public Works will be conditioned upon funding of the near term I-265 improvements by KTC explained at the January 17, 2008 public hearing. If KTC funding is withdrawn, this apartment/condominium project will return to Metro Works and the Planning Commission for further transportation and traffic review/approval prior to issuance of building permits.
- 21. The Louisville Water Company has agreed to increase the pressure in mains in the vicinity of the project including Landis Lakes, Academy Ridge, Troon, Wyndemere and adjacent neighborhoods, as described at the January 17, 2008 Public Hearing. Applicant agrees to cooperate with the Louisville Water Company, including providing a site for a booster pumping station if necessary, to facilitate higher water pressures.
- 22. Because the applicant/developer in this case is an affiliated owner/developer of another residential apartment and condominium project, similar in nature to this residential development, and because these two developments are located on opposite sides of Christian Academy they are serviced by the same road infrastructure, which is the South English Station Road-English Station Way street system, and given the concern of traffic impacts on that infrastructure as a result of this development, the applicant/developer and property owner in this case have agreed, as memorialized in this binding element, to a 157 unit reduction in the number of permitted dwelling units (from 713 to 556) on the developer/property owner's land located at 800 and 804 S. English Station Road (Docket No. 9-59-02V). The applicant/developer and property owner in this case shall assure that the developer/property owner in that other case shall immediately file with the Planning Commission an application to reduce the number of units in the 9-59-02V case from the presently permitted 713 units to 556 units. The developer/property owner in that case shall not be required to docket with the Planning Commission that application for amendment of the applicable binding element in that case until it closes on the purchase of this property in this case and all opportunities for appeal from an approval in this case have been fully exhausted. If that binding element amendment is not filed, pursued and imposed on the property in the 9-59-02V case as set forth herein, then the 157 unit reduction shall be imposed on the property in this case.
- 23. A fence shall be built at the developers cost along the property line adjacent to Christian Academy of Louisville prior to the commencement of building construction. The fence shall be

equivalent to the fence constructed on the development along the south side of Christian Academy of Louisville or alternate fence agreed to by Christian Academy and the developer.

The Amendment passed.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood  
Against: (None)  
Abstain: (None)  
Absent: (None)

The item as amended was sent to **Old Business**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 0

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood  
Against: (None)  
Abstain: (None)  
Absent: (None)

[O-40-02-08 AN ORDINANCE AMENDING CHAPTER 4, PART 3 OF THE LAND DEVELOPMENT CODE TO PERMIT DRIVE-IN RESTAURANTS AS A PERMITTED USE WITH SPECIAL STANDARDS WITHIN THE C 1 COMMERCIAL ZONING DISTRICT \(CASE NO. 10415\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

**Discussion:** This item was **Held in Committee**.

[O-49-03-08 AN ORDINANCE AMENDING CHAPTER 4, PART 3 OF THE LAND DEVELOPMENT CODE TO ALLOW DAY CARE CENTERS AS A PERMITTED USE WITH SPECIAL STANDARDS WITHIN THE M-1 INDUSTRIAL ZONING DISTRICT \(CASE NO. 10416\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

**Discussion:** This item was **Held in Committee**.

Motion to Adjourn was made by Julie Raque Adams.

**\*NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on March 27, 2008.**

**Without objection the meeting adjourned at 3:45 p.m.**

**KQG**